

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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PAUL PIAZZA,

Plaintiff,

-v-

1:11-CV-957  
(DNH/DEP)

CAROLYN A. COLVIN, Acting Commissioner  
of Social Security,

Defendant.  
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APPEARANCES:

OF COUNSEL:

OFFICE OF ALEX C. DELL  
Attorneys for Plaintiff  
450 New Karner Road  
Albany, NY 12205

GEORGE P. FERRO, ESQ.

OFFICE OF REGIONAL GENERAL  
COUNSEL

JOANNE JACKSON PENGELLY, ESQ.

Attorneys for Defendant  
Social Security Administration  
Region II  
26 Federal Plaza, Room 3904  
New York, NY 10278

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff Paul Piazza filed this action seeking judicial review of a final decision of the Commissioner of Social Security denying his application for disability benefits and supplemental security income payments under the Social Security Act. This action was dismissed as untimely nearly three years ago. Plaintiff has now moved for relief from the

judgment of dismissal and requests reinstatement of his complaint pursuant to Rule 60 of the Federal Rules of Civil Procedure. By Report-Recommendation dated April 10, 2015, the Honorable David E. Peebles, United States Magistrate Judge, recommended that the motion be denied based both upon the inordinate length of time that has passed since the case was closed and on the merits. No objections to the Report-Recommendation were filed.

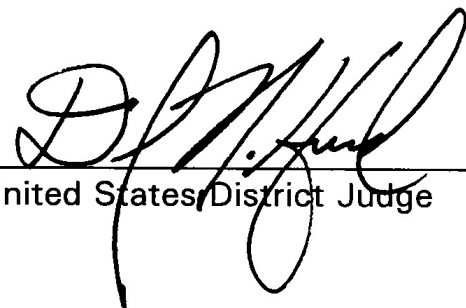
Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

Plaintiff's motion pursuant to Federal Rule of Civil Procedure 60(b)(6) for relief from the court's prior order and judgment dismissing his complaint is DENIED.

IT IS SO ORDERED.



United States District Judge

Dated: May 1, 2015  
Utica, New York.